

Our Docket No. 20010202.ORI

#12
2/8/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Anderson

S.N. : 09/880,532

Art Unit 3673

Filed : 06/13/2001

Examiner Kreck

For : Walk Behind Floor Stripping Machine with Hydraulic Drive

DECLARATION UNDER 37 C.F.R. 1.132

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Martin L. Anderson declares as follows:

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DEC 27 2002

GROUP 3600

1. I am the inventor of the subject matter of the above-identified patent application in which claims 1-13, 15, 17, 18 and 20-22 have been found by the examiner to be obvious from what was taught in an earlier patent Anderson 4,162,809 issued July 31, 1979 (the Anderson 809 patent) in view of Fisher patent 5,426,805 issued June 27, 1995 (the Fisher patent). I am also the inventor of patent 6,135,566 issued October 24, 2000 (the Anderson 566 patent).

2. I am an owner of National Carpet Equipment, Inc. having a place of business at 6801 Winnetka, Ave. N. #3, Brooklyn Park, MN 55428 which manufactures and sells a line of floor stripping machines including the Walk Behind Floor Stripping Machine with Hydraulic Drive which is the subject of the above-identified application.

3. The sales of my Walk Behind Floor Stripping Machine with Hydraulic Drive have been very high and now dominate the market for floor stripping machines both in the United States

and in Europe. The Walk Behind Floor Stripping Machine with Hydraulic Drive is superior to all other machines on the market and enjoys commercial success in the marketplace.

4. The sales of the Self Propelled Floor Stripper, which is the subject of my earlier patent 6,135,566, have dropped to near zero due to popularity of the Walk Behind Floor Stripping Machine with Hydraulic Drive.

5. Attached hereto as Exhibit A is a listing by month of sales of stripping machines by National Carpet, Inc. showing the above captioned claimed invention (model number 6280) compared to the earlier patented 6,135,566, (model number 5280). These sales are due to the below described benefits of the invention and not because of heavy promotion or advertising.

6. Nobody in the floor stripping machinery business has heretofore realized the benefits of the combination of an electric motor for providing a direct drive to the stripper blade and for driving a hydraulic pump for driving a hydraulic motor to propel the drive wheels. The benefit of using a direct drive on the stripper blade is to provide a strong even power for oscillating the blade reciprocally and thereby separating glued down carpet and tiles from underlying concrete surfaces. The benefits of using a hydraulic drive include, elimination of jerky starts and stops which effect the blades cutting ability, variable speed control which can be set to the most efficient removal rate of the stripper blade for the type of floor covering being removed, automatic stopping of the motion of the stripping machine when the pressure in the hydraulic lines becomes too high due to the stripper hitting an obstacle, setting the speed the hydraulic motor for the wheels independently of the speed of the electric motor driving the oscillating blade, ease of putting the stripping machine wheels into forward or

reverse, using less electricity resulting in lower incidences of tripped circuit breakers at job sites, fewer mechanical parts, less maintenance, and quieter operation. The combination of these features yield a superior floor-stripping machine which has heretofore not been appreciated.

7. Given the benefits inherent in the present invention, had the invention been obvious from the prior art, others would have arrived at my invention. To the best of my knowledge and belief, no other entity is offering a floor stripping machine having an electric motor drive for a cutting blade and a hydraulic drive for its wheels.

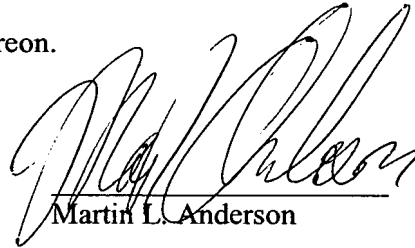
8. In view of the special nature of floor stripping blade pressure and motion requirements it would not have been obvious to combine the teachings of the Fisher patent, having a rotary brush with a hydraulic drive and a drive wheel with a hydraulic drive, with the Anderson 809 patent or the Anderson 566 patent since they are from diverse arts having different requirements. The force needed to push and operate a rotary brush is not related to the force needed to cut and remove flooring with a stripper blade. In the Fisher patent the brush is driven by a first hydraulic motor and the wheels are driven by a second hydraulic motor. My design does not follow such teaching. Instead, I employ the electric motor that drives the pump for the hydraulic motor for the wheels to also drive the oscillating cutting blade. This combination is not obvious from what the cited art fairly teaches.

9. It was not obvious to one skilled in the art to combine the teachings of Fisher with the earlier Anderson patent 4,162,809, to arrive at the present invention as stated by the

examiner. I, as one skilled in the art, would have done so rather than inventing the floor stripping machine described in the Anderson 566 patent.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

December 17, 2002

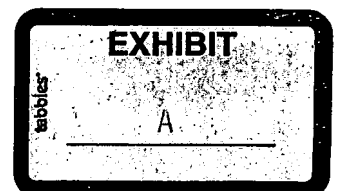


Martin L. Anderson

Item Sales History for 6280,HydSelfPropSTRIP/SER# **R53-F

Printed on 11/20/02 at 14:48

Pds	Past	End Date	\$ Sales	% Chg	Qty	Sls	% Chg	Period ASP
36		12/01/99	0	100	0	100		0.00
35		12/31/99	0	100	0	100		0.00
34		01/31/00	0	100	0	100		0.00
33		03/01/00	0	100	0	100		0.00
32		04/01/00	0	100	0	100		0.00
31		05/01/00	0	100	0	100		0.00
30		06/01/00	0	100	0	100		0.00
29		06/30/00	0	100	0	100		0.00
28		08/01/00	0	100	0	100		0.00
27		09/01/00	0	100	0	100		0.00
26		10/01/00	0	100	0	100		0.00
25		11/01/00	0	100	0	100		0.00
Totals		(36-25)	0		0			0.00
24		12/01/00	0	100	0	100		0.00
23		01/01/01	0	100	0	100		0.00
22		02/01/01	0	100	0	100		0.00
21		03/01/01	0	100	0	100		0.00
20		04/01/01	45,700	100	10	100		4,570.00
19		05/01/01	43,000	94	8	80		5,375.00
18		06/01/01	23,200	54	5	63		4,640.00
17		07/01/01	20,400	88	4	80		5,100.00
16		08/01/01	21,500	105	5	125		4,300.00
15		09/01/01	32,900	153	7	140		4,700.00
14		10/01/01	18,400	56	4	57		4,600.00
13		11/01/01	37,000	201	9	225		4,111.11
Totals		(24-13)	242,100		52			
12		12/01/01	37,100	100	9	100		4,122.22
11		01/01/02	28,670	77	7	78		4,095.71
10		02/01/02	15,570	54	4	57		3,892.50
9		03/01/02	97,143	624	20	500		4,857.15
8		04/01/02	60,010	62	14	70		4,286.43
7		05/01/02	67,086	112	16	114		4,192.88
6		06/01/02	69,614	104	15	94		4,640.93
5		07/01/02	32,055	46	7	47		4,579.29
4		08/01/02	73,400	229	16	229		4,587.50
3		09/01/02	21,002	29	6	38		3,500.33
2		10/01/02	51,600	246	12	200		4,300.00
1		11/01/02	28,700	56	6	50		4,783.33
Totals		(12-1)	581,950		132			
Totals		(36-1)	824,050		184			
Current Period			30,957					



Item Sales History for 5280, FLUID DRIVE SMALL UNIT

Printed on 11/20/02 at 14:49

Pds	Past	End Date	\$ Sales	% Chg	Qty	Sls	% Chg	Period	ASP
	36	12/01/99	0	100	0	100		0.00	
	35	12/31/99	0	100	0	100		0.00	
	34	01/31/00	0	100	0	100		0.00	
	33	03/01/00	0	100	0	100		0.00	
	32	04/01/00	0	100	0	100		0.00	
	31	05/01/00	0	100	0	100		0.00	
	30	06/01/00	0	100	0	100		0.00	
	29	06/30/00	0	100	0	100		0.00	
	28	08/01/00	0	100	0	100		0.00	
	27	09/01/00	0	100	0	100		0.00	
	26	10/01/00	0	100	0	100		0.00	
	25	11/01/00	0	100	0	100		0.00	
Totals	(36-25)		0		0			0.00	
	24	12/01/00	0	100	0	100		0.00	
	23	01/01/01	0	100	0	100		0.00	
	22	02/01/01	0	100	0	100		0.00	
	21	03/01/01	0	100	0	100		0.00	
	20	04/01/01	0	100	0	100		0.00	
	19	05/01/01	0	100	0	100		0.00	
	18	06/01/01	0	100	0	100		0.00	
	17	07/01/01	0	100	0	100		0.00	
	16	08/01/01	0	100	0	100		0.00	
	15	09/01/01	0	100	0	100		0.00	
	14	10/01/01	0	100	0	100		0.00	
	13	11/01/01	0	100	0	100		0.00	
Totals	(24-13)		0		0			0.00	
	12	12/01/01	0	100	0	100		0.00	
	11	01/01/02	0	100	0	100		0.00	
	10	02/01/02	0	100	0	100		0.00	
	9	03/01/02	0	100	0	100		0.00	
	8	04/01/02	0	100	0	100		0.00	
	7	05/01/02	0	100	0	100		0.00	
	6	06/01/02	0	100	0	100		0.00	
	5	07/01/02	0	100	0	100		0.00	
	4	08/01/02	0	100	0	100		0.00	
	3	09/01/02	0	100	0	100		0.00	
	2	10/01/02	0	100	0	100		0.00	
	1	11/01/02	1,450	100	1	100		1,450.00	
Totals	(12-1)		1,450		1				
Totals	(36-1)		1,450		1				
Current Period			0						

Item Sales History for 5280-W, FLUID DRIVE SMALL UNIT 220V

Printed on 11/20/02 at 14:49

Pds	Past	End Date	\$ Sales	% Chg	Qty	Sls	% Chg	Period ASP
36		12/01/99	0	100	0	100		0.00
35		12/31/99	0	100	0	100		0.00
34		01/31/00	0	100	0	100		0.00
33		03/01/00	0	100	0	100		0.00
32		04/01/00	0	100	0	100		0.00
31		05/01/00	0	100	0	100		0.00
30		06/01/00	0	100	0	100		0.00
29		06/30/00	0	100	0	100		0.00
28		08/01/00	0	100	0	100		0.00
27		09/01/00	0	100	0	100		0.00
26		10/01/00	0	100	0	100		0.00
25		11/01/00	0	100	0	100		0.00
Totals (36-25)			0		0			0.00
24		12/01/00	0	100	0	100		0.00
23		01/01/01	0	100	0	100		0.00
22		02/01/01	0	100	0	100		0.00
21		03/01/01	0	100	0	100		0.00
20		04/01/01	0	100	0	100		0.00
19		05/01/01	0	100	0	100		0.00
18		06/01/01	0	100	0	100		0.00
17		07/01/01	0	100	0	100		0.00
16		08/01/01	0	100	0	100		0.00
15		09/01/01	0	100	0	100		0.00
14		10/01/01	0	100	0	100		0.00
13		11/01/01	0	100	0	100		0.00
Totals (24-13)			0		0			0.00
12		12/01/01	0	100	0	100		0.00
11		01/01/02	0	100	0	100		0.00
10		02/01/02	489	100	1	100		489.00
9		03/01/02	0	0	0	0		0.00
8		04/01/02	0	100	0	100		0.00
7		05/01/02	-489	100	-1	100		489.00
6		06/01/02	0	0	0	0		0.00
5		07/01/02	1,600	100	1	100		1,600.00
4		08/01/02	0	0	0	0		0.00
3		09/01/02	0	100	0	100		0.00
2		10/01/02	4,350	100	3	100		1,450.00
1		11/01/02	27,550	633	19	633		1,450.00
Totals (12-1)			33,500		23			
Totals (36-1)			33,500		23			
Current Period			6,800					

Item Sales History for 6280-W, FLUID DR SELF PROP.220V (SEE NOTES)

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12	12/01/01	13,350	63	5	71	2,670.00
11	01/01/02	37,380	280	14	280	2,670.00
10	02/01/02	15,940	43	6	43	2,656.67
9	03/01/02	18,501	116	7	117	2,643.00
8	04/01/02	15,858	86	6	86	2,643.00
7	05/01/02	15,858	100	6	100	2,643.00
6	06/01/02	15,858	100	6	100	2,643.00
5	07/01/02	0	0	0	0	0.00
4	08/01/02	0	100	0	100	0.00
3	09/01/02	0	100	0	100	0.00
2	10/01/02	0	100	0	100	0.00
1	11/01/02	21,144	100	8	100	2,643.00
Totals (12-1)		153,889		58		
Totals (36-1)		196,999		74		
Current Period		0				